

UNITED STATES OF AMERICA

v.

GARY NIXON

Motion DENIED.

This the 17th day of January 2019.

/s/Louise W. Flanagan, U.S. District Judge

OMNIBUS

MOTION

FILED

DEC 27 2018

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY SWI DEP CLK

HERE COMES DEFENDANT GARY NIXON PRO SE Proceeding with an OMNIBUS MOTION FOR RELIEF FROM A FINAL JUDGEMENT AND ORDER THAT TRANSPURRED THE 13TH DAY OF DECEMBER, 2018 by PRESIDING JUDGE FIANNAGAN. THIS MOTION IS FOR A NEW EVIDENTIARY HEARING ON THE PSI SENTENCING AND REVOCATION HEARING, INEFFECTIVE ASSISSTANCE OF COUNSEL, PROSECUTORIAL MISCONDUCT AND JUDICIARY MISCONDUCT WHERE ALL PARTIES KNEW THAT ANTICIPATED IN THIS MISCONDUCT.

STATEMENT OF FACTS

1. THE JUDICIAL BRANCH PROCEEDED UNCONSTITUTIONALLY TO CONDUCT A TOTAL OF THREE HEARINGS AT THE SAME TIME.
2. COUNSEL FAILED TO ADEQUATELY ADDRESS SENTENCING ISSUES WITH DEFENDANT BEFORE SENTENCING WHICH LEAD TO A CONFUSION OF THE ISSUES TO THE POINT WHERE DEFENDANT WAS INSUFFICIENTLY SENTENCED. COUNSEL ASSURED DEFENDANT THAT HE WOULD RECEIVE A SENTENCE IN THE RANGE OF 88-108 MONTHS. INSTEAD DEFENDANT WAS BLINDED FROM THE RIGHT OF A *AFTERTORI*, TO EXPLORE IN DETAIL THE METHODS AND CALCULATION FROM A PROBATION OFFICER AS WELL AS FROM JUDGE FIANNAGAN. DEFENDANT NEVER GOT A CHANCE TO EXPLORE PSI, NEVER RECEIVED 7-DAY GRACE PERIOD.